



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,308	06/13/2000	Cary Lee Bates	ROC920000014	7379

7590 09/28/2004

Gero G McClellan  
Thomason Moser & Patterson LLP  
Suite 1500  
3040 Post Oak Boulevard  
Houston, TX 77056-6582

EXAMINER

SMITH, PETER J

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/592,308	BATES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peter J Smith	2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,4,6-9,12,13,15-18,21,22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,6-9,12,13,15-18,21,22 and 24-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: after-final amendment filed on 8/10/2004.
2. Claims 3-4, 6-9, 12-13, 15-18, 21-22, and 24-33 are pending in the case. Claims 1, 10, and 19 are independent claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 3-4, 12-13, 21-22, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis, US 5,604,897 patented 2/18/1997 in view of Fein et al. (hereinafter "Fein"), US 5,940,847 filed 1/31/1997.**

**Regarding independent claims 3, 12, and 21,** Travis teaches recording contents of the document as pre-edited contents in fig. 1-2 and col. 2 line 54 – col. 4 line 27. Travis teaches allowing a user to replace each problem word contained in the document with a respective replacement word in fig. 1-2 and col. 2 line 54 – col. 4 line 27. Travis teaches recording the contents of the document as post-edited contents, comparing the pre-edited contents to the post-edited contents to identify the problem words and the replacement words, and storing the user-replaced problem words and replacement words to a first data structure, where each user-replaced problem word is associated with the respective replacement word in fig. 1-2 and col. 2 line 54 – col. 4 line 27.

Travis does not teach that the user-replaced problem words and replacement words are stored in an individual record of the first data structure. Fein does teach storing each user-replaced problem word and respective replacement pairs into an individual record of a data structure to form a customized substitution list in the abstract and col. 3 lines 30-61. Fein teaches a need and solution for user created and customized spelling correction lists. The user may create and save problem words and respective replacements into an individual record specific to the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Fein into Travis to have created the claimed invention. It would have been obvious and desirable to have used the individual user customization of Fein to have created separate user records in the data structure of Travis so that the a customized spelling correction list could have been available to each user of the system.

**Regarding dependent claims 4, 13, and 22,** Travis does not teach separately storing the pre-edited contents and the post-edited contents to a second data structure, wherein each record of the second data structure includes a pre-edited word field, a post-edited word field and a changed indication field. Travis does not teach the second data structure because the pairs stored by Travis are necessarily changed and thus do not need the changed indication field because all of the word pairs in the Travis data structure are changed. Travis does teach in fig. 2 providing the user with an option to correct a problem word or not. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Travis to have maintained a second data structure based on the user response in fig. 2 of Travis which would have included a pre-edited word field, a post-edited word field and a changed indication field so that the user could have also automated not correcting problem words in future documents.

**Regarding dependent claims 28, 29, and 30**, Travis does not teach receiving user identification and storing the user identification in association with the first data structure. Fein does teach a user-specific and user-customizable data structure containing an individual record of problem words and respective replacements in the abstract and col. 3 lines 30-61. The customized substitution list must inherently receive a user identification in order to provide the correct list to a particular user and the list inherently associates the user identification with the word-replacement pairs contained in the list for a particular user. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Fein into Travis to have created the claimed invention. The user customization taught by Fein would have allowed for the personalization of the spelling correction for each user of the system.

**Regarding dependent claims 31, 32, and 33**, Travis teaches accessing a data structure to identify problem words in another document in fig. 1 and col. 2 line 54 – col. 3 line 25.

4. **Claims 6-7, 15-16, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis, US 5,604,897 patented 2/18/1997 in view of Fein et al. (hereinafter “Fein”), US 5,940,847 filed 1/31/1997 as applied to claims 3, 12, and 21 above, and further in view of Grover et al. (hereinafter “Grover”), US 5,818,437 patented 10/06/1998.**

**Regarding dependent claims 6, 15, and 24**, Travis does not teach assigning a priority value to each problem word. Grover does teach assigning a priority value to each problem word in col. 7 line 61 – col. 8 line 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Grover into Travis in view of Fein to have

Art Unit: 2176

created the claimed invention. It would have been obvious and desirable to have assigned a priority value to the problem words so that the user could have known which words were the most problematic for them.

**Regarding dependent claims 7, 16, and 25**, Travis does not teach wherein the priority value is determined according to a number of times a particular problem word is replaced by the user with the respective replacement word. Grover does teach wherein the priority value is determined according to a number of times a particular problem word is replaced by the user with the respective replacement word in col. 7 line 61 – col. 8 line 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Grover into Travis in view of Fein to have created the claimed invention. It would have been obvious to have assigned the priority value based on word frequency since the most frequent problem words are the ones which would the user needs the most help in fixing.

**5. Claims 8-9, 17-18, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis, US 5,604,897 patented 2/18/1997 in view of Fein et al. (hereinafter “Fein”), US 5,940,847 filed 1/31/1997 as applied to claims 3, 12, and 21 above, and further in view of Cai et al. (hereinafter “Cai”), US 6,175,834 B1 filed 06/24/1998.**

**Regarding dependent claims 8, 17, and 26**, Travis does not teach assigning a formatting definition to each problem word for use in identifying words on a display device. Cai teaches assigning a formatting definition to each problem word for use in identifying words on a display device in col. 8 lines 18-22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Cai into Travis in view of Fein to have created

Art Unit: 2176

the claimed invention. It would have been obvious and desirable to have highlighted the problem words so that the user could have easily viewed them in the document.

**Regarding dependent claims 9, 18, and 27,** Travis does not teach wherein the formatting definition is selected from one of a color, a shading, a textual modification, an underline and any combination thereof. Cai teaches wherein the formatting definition is selected from one of a color, a shading, a textual modification, an underline and any combination thereof in col. 8 lines 18-22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Cai into Travis in view of Fein to have created the claimed invention. It would have been obvious and desirable to have highlighted the problem words so that the user could have easily viewed them in the document.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 3-4, 6-9, 12-13, 15-18, 21-22, and 24-33 have been considered but are moot in view of the new ground(s) of rejection. The Examiner has found and applied the prior art reference of Travis which teaches comparing pre-edited and post-edited contents of a document resulting in the identification of problem words and then storing the identified problem words into a data structure so that the problem words may be automatically corrected in the future. Fein provides a prior art teaching to modify Travis so that a data structure may be created and maintained for each individual user.

#### ***Conclusion***

Art Unit: 2176

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 703-305-5931 (571-272-4101 after 10/20/2004). The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 703-305-9792 (571-272-4090 after 10/20/2004). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS  
September 14, 2004

  
JOSEPH FEILD  
SUPERVISORY EXAMINER